

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

VOCALSPACE, LLC §  
§  
Plaintiff, §  
§  
v. § Civil Action No. 4:09-CV-00350  
§  
DANIEL D. LORENZO and §  
LARKSPARK CORPORATION, §  
§  
Defendant. §

**DECLARATION OF ERNEST NYCZ**

1. My name is Ernest P. Nycz. I am attorney of record for the Defendants in the above referenced matter. I am over 18 years old.
2. For this past week Daniel Lorenzo and I have been working diligently on the responses to both of Plaintiffs summary judgment motions (Docket Nos.101 and 103). Responding to both motions have proven to be a daunting task, more involved than what was first anticipated given the complexities of the case and extensive discovery that has taken place. My clients hard drive also recently failed, and was only restored a few days ago, which caused some delay in putting some of the response together.
3. At the time of the request for extension, which is New Years Eve, I and the Defendants have completed over seventy ninety percent of the responses, and I have mostly printing and scanning tasks left to accomplish. Typically I rely on one of the Kinkos in Plano, Texas for printing and scanning tasks and unfortunately, I did not realized that all area Kinkos offices closed at 6:00 pm this evening for new years eve and are closed tomorrow, on New Years Day. All area Kinkos offices will be open again on

Sunday, January 2, 2011.

4. When I had agreed to December 31, 2010 as the deadline to file Defendants responses to Summary Judgment Motions, I was not aware that today's date is a federal holiday. I fully intend to file all of defendants responses on Sunday, January 2, 2011, prior to the court opening for business on Monday, January 3, 2011.

I declare under penalty or perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 31, 2010.



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Ernest P. Nycz